

**CITY OF BELMONT**  
**PLANNING COMMISSION**

**ACTION MINUTES**

**TUESDAY, APRIL 3, 2007, 7:00 PM**

**Chair Parsons called the meeting to order at 7:00 p.m. at One Twin Pines Lane, City Hall Council Chambers.**

**1. ROLL CALL**

Commissioners Present: Parsons, Frautschi, Mayer, Mercer, Wozniak, McKenzie

Commissioners Absent: Horton

Staff Present: Community Development Director de Melo, Contract Planner Ouse (CP), Associate Planner Walker (AP), Zoning Technician Gill (ZT), City Attorney Zafferano (CA), Recording Secretary Flores (RS).

**2. AGENDA AMENDMENTS - None**

**3. COMMUNITY FORUM (Public Comments)**

Riza Horowitz, resident of Ralston Avenue, invited the Commission and the public to a meeting to be held on the following day related to field use at NDNU. She noted that removal of eucalyptus trees has reduced the sound barrier and that the fields are being used outside of the times and purposes allowed under the original CUP. She also suggested that the City change its meeting notification procedures to include additional affected residents, and that people who cannot attend let the Community Development staff or Mayor Feierbach know how they feel.

**4. CONSENT CALENDAR**

**4A. Minutes of 2/6/07**

**4B. Minutes of 3/6/07**

**MOTION: By Vice Chair Frautschi, seconded by Commissioner McKenzie, to accept the Minutes of 2/6/07 and 3/6/07 as presented.**

**Ayes: Frautschi, McKenzie, Mayer, Mercer, Wozniak, Parsons**

**Noes: None**

**Absent: Horton**

**Motion passed 6/0/1**

**5. NEW BUSINESS:**

## **5A. Review of Ralston Avenue/US 101 Interchange Landscape Plans**

CDD de Melo summarized the staff report on behalf of the Public Works Department, and answered questions from the Commission.

Commissioner Frautschi commented that, since it could be 2 to 3 years before the landscape plan is implemented, he would like to see a row of fast-growing potania or something similar along the fence line coming into Belmont. He also suggested that heritage trees be planted now to give them a jump start and would like to see guarantees that the landscaping will be planted in case it is ever decided not to do the bicycle bridge.

Commissioner Mercer concurred and referred to page pp5 of the landscape plan, noting that a sound and visual barrier of a solid hedge should be placed behind the six to twelve homes next to the north side of Ralston. She also recommended that large trees that crown at 30-50 feet and thrive with total neglect should be planted rather than the 15-20 foot trees that will not survive.

Commissioner Mayer concurred with Commissioners Frautschi and Mercer.

Commissioner Mercer commented that the nature of the adjacent properties – commercial on the east side and residential on the west side – needs to be considered, with money being allocated for use behind the residential areas.

Chair Parsons stated that he was disturbed about the way the Public Works Department stripped away all plants on the east side of Ralston Avenue and allowed landscaping to die, some of which could have been preserved. He felt that the residents deserve to have their privacy restored and some sun. He felt that Public Works should have been available to report on the status of the bicycle bridge and that the NW and SW quadrants need to be included in the landscape plan. He wants it to be landscaped like the bridge is never going to be built because he does not want to look at it the way it is for the next 5-10 years.

Vice Chair Frautschi commented that if an applicant wanted to put a chain link fence anywhere on Ralston the code does not allow it because it is a scenic corridor and Public Works has exposed 500' of chain link fence without addressing the problem; people can't even sit in their back yards.

Commissioner Wozniak agreed and added that the area in question is prone to flooding. She was not sure that Redwoods would thrive there but agreed that bigger trees should be used.

Commissioner Mayer added that big, tall trees may be a safety issue so close to an interchange.

Chair Parsons concluded that he has watched Caltrans replant an interchange every five years, that there is no reason to have let all the trees die and hoped that the sprinkler system is good.

CDD de Melo agreed to forward the Commission's comments to Public Works and Caltrans.

## **6. PUBLIC HEARINGS:**

**6A. PUBLIC HEARING – 820 Anita Avenue (Continued from February 20, 2007 Commission Meeting)**

To consider a Single Family Design Review to construct a new 2,816 square foot single-family residence for the site. (Appl. No. 2006-0026)

APN: 044-152-250; Zoned: R-1C (Single-Family Residential)

CEQA Status: Categorical Exempted per Section 15303

APPLICANT: Juan Fernandez

OWNER: Appleseed, LLC

PROJECT PLANNER: Rob Gill, (650) 598-4204

ZT Gill summarized the staff report, recommending approval.

Nadar Kattari, applicant stated that he felt they had accommodated all of the issues brought up by the Commission at the February 20<sup>th</sup> meeting.

Responding to Vice Chair Frautschi's question as to what they did to the back of the house to reduce the visual bulk, Mr. Kattari stated that the arches, walls and corners are all gone and in place of solid material there are railings and thinner posts.

Responding to Commissioner Mercer's question, ZT Gill stated that the fence on the east and north sides is on the neighboring property.

Chair Parsons opened the public hearing. No one came forward to speak.

**MOTION: By Vice Chair Frautschi, seconded by Commissioner Mayer, to close the Public Hearing. Motion passed by voice vote.**

Commissioner Mercer still could not make the finding about bulk due to the covered porch on back of house.

Designer Juan Fernandez stated that the reason the roof is over the deck is because of the limited amount of rear yard space and the slope would prevent putting a table there. The deck is designed as an entertainment area.

Commissioner Wozniak also had an issue with bulk, noting that it would look very different if the deck was not covered.

Vice Chair Frautschi suggested that some plants be replaced with evergreens, agreed that the roof at the back over the deck gives it bulk and suggested that the back yard drops only 6' and could be dealt with when grading to make it more usable.

Chair Parsons suggested that they will want to have a deck that is in the sunshine rather than cold and dark.

Mr. Fernandez agreed that they would be willing to remove the deck roof if that is the wish of the Commission.

**MOTION: By Commissioner Wozniak, seconded by Vice Chair Frautschi, to adopt a Resolution approving a Single-Family Design Review at 820 Anita Avenue (Appl. No. 2006-0026) with attached Exhibit A and the added condition of removing the roof over the second-floor rear deck, to be brought back to the Commission for final review and approval prior to issuance of building permits.**

**Ayes: Wozniak, Frautschi, McKenzie, Mayer, Mercer, Parsons**  
**Noes: None**  
**Absent: Horton**

**Motion passed 6/0/1**

Chair Parsons noted that this decision may be appealed to the City Council within 10 calendar days.

#### **6B. PUBLIC HEARING – Amendment to Zoning Ordinance**

To consider revisions to Section 6.2.3 (M-1 – Limited Manufacturing District – Conditionally Permitted Uses). The amendment will consider adding “Business, professional, or trade school” uses to the list of conditionally permitted uses in the M-1 Limited Manufacturing District. This request is being processed in accordance with Section 9.5.1 of the Belmont Zoning Ordinance, “Addition to the List of Permitted Uses – Or Conditional Uses.” Planning Commission recommendations and the environmental document will be forwarded to the City Council for final action.

(Appl. No. PA 2007-0002), CEQA Status: Negative Declaration

APPLICANT: Joel Patterson, AICP, on behalf of Embarcadero Capital Partners, LLC.

PROJECT PLANNER: Jennifer Walker, (650) 595-7453

AP Walker summarized the staff report, recommending adoption of the attached draft resolutions for City Council approval, and answered questions from the Commission.

Responding to Chair Parsons’ concern about potential fiscal impact of the amendment to the Zoning Ordinance, CA Zafferano stated that the Commission could recommend in their resolution that City Council examine the fiscal impacts before taking action.

Joel Patterson, representing Embarcadero Capital Partners, owner of 1301 Shoreway Road, asked that the record show that they support the request to change the zoning ordinance and ask that the Commission forward it to the City Council for approval. Responding to concerns raised by the Commission, he noted that M-1 for Limited Manufacturing is perhaps not the best zoning district designation for office buildings because that is mostly what is in the M-1 district, adding that there is already a medical office building with a use permit within the building. What was being proposed, and may still be proposed, is a nursing training facility in 10,000 square feet, which is much less than 10% of the entire building that would be used for training. He suggested that they

consider that this type of use would be for adults vs. children in almost any type of a business or technical training facility and that there are practically no training facilities for adults except for a few colleges within the Peninsula for anyone interested in gaining additional specialized training, adding that it would provide an opportunity for residents and existing businesses.

Responding to Commissioners' questions, Mr. Patterson stated that the current tenants are primarily office uses except for the medical clinic that is on the first floor, that hours of operation have not been discussed as yet as there is no approved lease with the proposed school, and that he does not know what level of training would be provided, except that it would be through St. Mary's College and Sutter Health.

There were no requests from the public to speak.

**MOTION: By Commissioner Wozniak, seconded by Commissioner McKenzie, to close the Public Hearing. Motion passed by voice vote.**

Commissioner Mercer had no trouble with the concept of having a trade school on the site, but felt it should be allowed in the C-4 district by right and should not be conditional.

Commissioner McKenzie agreed.

Commissioner Wozniak noted that Nikkon already has a training center in the subject area. She felt this school would not displace manufacturing; it would displace office use and is appropriate. She pointed out that there are a multitude of adult training schools in the area but would approve this use. She added that she would like to tell the Council that if they are going to make this amendment that they might want to add other school uses because other schools have had a hard time finding places and it would make it easier for them to find a place in some of the industrial areas that are under utilized.

Vice Chair Frautschi felt the use was compatible and liked the idea of having the system of the CUP because every applicant would have to come before the Commission for review of traffic, parking and similar issues. His fear was that are they weakening the M-1 (Manufacturing) aspect of this district. He recommended that staff do some sort of cost analysis because he did not know if this is a tax exempt school that could have a financial implication for the City.

Commissioner Mayer was willing to go along with the group.

Chair Parsons felt they should allow other types of schools in the district to get them out of residential neighborhoods and liked the idea of conditionally approving each one.

CA Zafferano suggested the addition of the following sentence at the end of item 1.(k) of the Zone Text Amendment on page 4 of the staff report: "Distance shall be calculated as a straight line measured from the two closest points of the respected perimeters of the properties."

**MOTION: By Vice Chair Frautschi, seconded by Commissioner Mayer, to adopt the resolution recommending City Council adoption of a Negative Declaration of**

**Environmental Significance for a Zone Text Amendment to Section 6.2.3 (M-1 Limited Manufacturing) of the Belmont Zoning Ordinance for Business, Professional and Trade School Uses (Appl. No. 07-0002)**

**Ayes:** Frautschi, Mayer, McKenzie, Mercer, Wozniak, Parsons  
**Noes:** None  
**Absent:** Horton

**Motion passed 6/0/1**

**MOTION:** By Vice Chair Frautschi, seconded by Commissioner McKenzie, to adopt a resolution recommending to City Council an Amendment to Section 6.2.3 (M-1 Limited Manufacturing) of Belmont Zoning Ordinance Number 360 for Business, Professional and Trade School Uses, with the addition of the language change to 1.(k) that the distance shall be calculated as a straight line measured from the two closest points of the respected perimeters of the properties. Additionally, a financial analysis statement shall be prepared by the Finance Director to assist City Council in their decision to approve this Zone Text Amendment.

**Ayes:** Frautschi, McKenzie, Mayer, Mercer, Wozniak, Parsons  
**Noes:** None  
**Absent:** Horton

**Motion passed 6/0/1**

Chair Parsons called for a 2-minutes recess.

**6C. PUBLIC HEARING – 1000 O’Neill Avenue**

To consider a Conceptual Development Plan (CDP) and Rezone to establish a Planned Development (PD) Zoning District, Lot Merger, and certification of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) for relocation and rehabilitation of the historic Emmett House. The Emmett House is proposed to relocate from a commercial site at 843 Ralston to a vacant site at 1000 O’Neill Avenue and be rehabilitated into two below-market rate residential units. Site improvements include construction of a two-car detached garage, landscaping and reconfiguration of Sixth Avenue and abandonment of a portion of O’Neill Avenue to provide additional land area on the project site through the abandonment of excess right-of-way. Belmont Creek meanders through the north half of the site. (Appl. No. 2006-0090)

Current Zoning: R-1B (Single-Family Residential); Proposed Zoning: (PD) Planned Development  
APN: 045-181-230, 260, & 280; CEQA Status: Mitigated Negative Declaration

APPLICANT/OWNER: City of Belmont

PROJECT PLANNER: Andrea Ouse, (650) 333-3973

CP Ouse summarized the staff report, recommending adoption of Resolutions approving the Mitigated Negative Declaration, the Conceptual Development Plan (CDP) and rezoning of the

subject site to Planned Development (PD). Answering questions from the Commission, staff confirmed that, due to a safety issue, the City has wanted to realign 6<sup>th</sup> Avenue for years, the property is 150-250' outside of Firehouse Square, and the lot merger will be a separate action at a later date.

David Schrier, Geotechnical Engineer with Cotton, Shires & Associates, responded to questions from the Commission as follows:

- *Are you saying that Scheme 1 is not feasible?* The creek bank will continue to erode and any structures, including a driveway, located within 20' of the top of the bank are in danger of falling in. He presented pictures to confirm this finding, stating that the bank is presently in a very hazardous condition.
- *Would it be appropriate that if this were a private development that the City would require that the embankment be repaired and shored up before building a house on it?* That would be one alternative to mitigate the creek bank erosion at that location.
- *Would they recommend stabilization of the creek bank if the City wanted to put a structure within their recommended 20' setback?* Yes, that would be appropriate. Recent stabilization of the creek bank at East Laurel Creek resulted in a cost of \$210,000, which would be appropriate as a reference for considering creek bank stabilization cost at this location.
- *Even if the driveway wasn't there does the creek bank need to be stabilized?* It's a cost/benefit analysis. They consider that the creek is a dynamic structure and will continue to move; there will be erosion and it is likely that the eucalyptus is going to fall and take with it the root bank over time. It's up to the City to decide what the best economic decisions are.
- *Would you as an engineer recommend to Council that they stabilize the bank now or wait until the tree falls and the bank fails?* He did not know if he was qualified to make that economic decision for the City but believed that there is an imminent danger with that tree and the undermining of the bank at that location.
- *Should the tree be removed?* It's a double-bladed sword. The eucalyptus tree roots are presently providing stability for the creek bank but when that tree falls the roots will be a disadvantage because it will take with it a lot more soil when it goes into the creek. He was not sure which way to recommend – if the tree is cut down the benefit of the roots armoring the side of the bank will be lost.
- *Is it hazardous for the construction equipment?* He recommended that the equipment stay a certain distance away because the bank is undermined.

CDD de Melo added that anything happening on the site in close proximity to the creek may have an adverse impact on the site as a whole. He believed the consultant was saying that it would be prudent to keep any structure as far away from the creek bank as possible and look at an alternative to take structures with their access points away from 6<sup>th</sup> Avenue, because they then traverse in closer proximity to the top of the bank as opposed to taking their origin from O'Neill Avenue.

Resident, Aldo Trevisan commented that he wished that the tree that was discussed would go over. Primarily he was there to state that if the City is going to abandon the access right-of-way on O'Neill Avenue he wanted it known that he wants the same right – he wants the access removed from his property and his neighbor's. CP Ouse confirmed that there is a portion of

O'Neill that would be vacated, in order to provide for additional corner area so that the house and the driveway, etc., can be included in the project site.

Denny Lawhern, Belmont resident and President of the Belmont Historical Society, stated for the record that this is the 85<sup>th</sup> meeting he has attended since 1994 regarding this project. He just received the third option before the meeting. Of the three options, he recommended the original plan with the house and the 2-car garage facing south on O'Neill. He felt that the angle plan with the driveway off of 6<sup>th</sup> would create major problems, as the creek would have to be dealt with, the long driveway would cause a major loss of open space and access would be dangerous during rush hour. He also felt that placing the house at an angle would create a big portion of empty lot in front that would look like something was lacking in the center, and would create a visual problem for the neighbors across the street.

Nancy Oliver, resident of San Carlos and Chairman of the Historic Preservation Section of the American Association of University Women, noted that she had worked on the historic inventory that was conducted in Belmont in 1990-91. From an ecological standpoint, she felt that the plan that is angled has the driveway too close to the creek because of potential run-off from automobiles, there would be virtually no back yard for the house and there would be too much coverage of the lot with concrete. She added that the original siting of the house was square to the street as are the houses in the rest of the neighborhood, and did not believe the Mr. Emmett would recognize his own house if it were at an angle. She recommended the first option where the building and garage sit straight to the street.

David Long, resident of South Road and owner of a listed historic home in Belmont, distributed handouts to the Commission and made the following points:

- Supported the move but had concerns about elements of the new site plans that move the driveway and shift the house in a diagonal fashion.
- In addition to the serious issues with the creek bank and geotechnical report previously discussed, he asked that the City Attorney comment on whether the existing EIR and Negative Dec apply to such a dramatic change in the site plan. He felt strongly that these must both be re-started to reflect the significant changes proposed.
- Garages of the past and stables before them typically faced the street; angles need to match the structures and the environment in which they sit. He quoted from the Department of Interior Historic Guidelines: "Moved properties must still have an orientation, setting and general environment that are comparable to those of the historic location that are compatible with the property's significance." He felt that switching from one that is at clean 90 degree angle to one that is diagonal is not true to the original way the house was situated and could preclude the building from ever making it to the National Historic Registry.
- Outreach needs to be improved so that the President of the Historical Society of Belmont and any other interested citizens are notified of meetings in a timely manner.
- The beauty of the house will be evident when approaching the house driving down 6<sup>th</sup> from the South if it is straight ahead. If it is sited diagonally the side of the house that was supposed to be up against another house will be the first thing visible.
- Department of Interior historic criteria ask if the original occupant would recognize the house. He concurred with Ms. Oliver that if it place diagonally he probably would not.



- He was not aware of any traffic safety issues at 6<sup>th</sup> and O'Neill, but rather that the intersection has a built-in traffic calming effect that should remain.
- He asked that any creek bank stabilization be de-linked from this project, in order to comply with City Council's direction that the project move with quick progress.

**MOTION: By Vice Chair Frautschi, seconded by Commissioner Mayer, to close the Public Hearing. Motion passed by voice vote.**

Commissioner Wozniak was concerned about the house losing its historic status and agreed with the points made about siting. She favored returning to Plan 1 with the house perpendicular to the street, did not support placing the driveway along the creek bed due to the environmental impact and the hardscape, and felt that if the garage was sited perpendicular to the street it would take up less space and be a more natural siting. She suggested that all of the Commissioners should have a copy of the guidelines for rehabilitating historic properties and should study them carefully.

Commissioner McKenzie suggested that if it is important for its historical status to site the house perpendicular to the street, they consider turning it one more quarter turn so that it faces 6<sup>th</sup> Avenue so that the orientation would be more toward the downtown part of Belmont.

Vice Chair Frautschi stated that the house was angled to reduce the views of the back area of the house for the following reasons: 1) so that the back of the house could not be viewed from any street; 2) to prevent headlights coming down 6<sup>th</sup> Avenue from shining directly into the front door; 3) an attempt to balance the house with the house across the street. He said that at no time had anyone from any historical group suggested that angling the house on the lot would necessarily interfere with its historical status. He felt that the Cotton & Shires report was a very compelling reason for not selecting the first choice with the driveway at the back of the property. He noted that the staff report was available to the public at City Hall and on the web at the same time the Commission received it. Commenting on whether Mr. Emmett would recognize the house, he felt that he would not because it was not where he would be looking for it, but if he walked around he would recognize it whether it is angled or not. He also felt that the landscaping, etc., will make the house fit specifically to the site. He was in favor of the second choice.

Commissioner Mercer pointed out that this lot is irregularly shaped and no matter how the house is situated it is not going to be perpendicular to both 6<sup>th</sup> Avenue and O'Neill because of the way 6<sup>th</sup> Avenue angles. Her intent was to orient it so that it was parallel to 6<sup>th</sup> Avenue in the same manner that the craftsman house across the street is parallel to 6<sup>th</sup> Avenue and so that there would be two historical homes facing 6<sup>th</sup> Avenue in addition to the two across the creek on 6<sup>th</sup> Avenue. She envisioned tilting the house about 15° so that it could slide a bit closer to 6<sup>th</sup> Avenue and thereby allow more room for the garage. She did not like the driveway behind the house, not just because of the creek but also because of the vast amount of hardscape that it would create. She felt that if this is low-income housing there will be children who deserve a back yard to play in; the driveway should be in the front, which means by default it will have to open onto O'Neill. She felt Alternative 2 would be dangerous with the driveway backing out very close to the intersection. She did not endorse any of the 3 plans.

Commissioner Mayer concurred with Commission Mercer that using 6<sup>th</sup> Avenue as the front of the property made a lot of sense because of the home across the street and because it would eliminate the problem of headlights coming in from 6<sup>th</sup> Avenue, however, he could support either location.

Chair Parsons did not like the house facing O'Neil because of the view of the back of the house from 6<sup>th</sup> Avenue and he would not want to live in a house where a 12-block street ended in his living room. He was not pleased with the angle as proposed and felt that there was room for change, and suggested that a study group be formed to do some tweaking of the site, taking into consideration the new information from Cotton, Shires that the driveway in the back of the house doesn't make any sense. He did not buy the argument that all old houses were all set square on lots and gave some examples. He did not believe that the orientation of the house would affect the historic value and noted that it is not eligible for the National Register now and won't be when it is restored, since it will be a duplex/condominium. His concern was that they get it moved and into use.

CDD de Melo asked for and received consensus of the majority of the Commission that 1) access will be taken to the garage via O'Neill Avenue, and 2) there will be some angling to the house. His understanding was that staff should return with plans where the angling is not so dramatic, with the option of either having the side porch parallel to 6<sup>th</sup> Avenue or the front porch parallel to 6<sup>th</sup> Avenue and the siting of the garage would be dependent on how the house is oriented.

Mike Garavalia, architect for the project, felt it was important that he clarify that the building was not arbitrarily oriented parallel to the street. It was based on historic preservation goals and objectives, and specifically looking at the Secretary of Interior standards for treatment of historic properties. The nature of how they evaluate and maintain the historic significance of a property was all carefully analyzed. The paralleling of the front of the house to the street was in fact done because that is its existing characteristic. Moved properties are a special type of resource and there are special issues that have to be considered, specifically on properties that have association; this property is historic because of its association with an important member of the community at the time. Angling this building would trigger potential impacts that cannot be mitigated because it's not the way the building was originally sited. Moved properties are very sensitive issues. He added that by rotating the building the side of the building that was intended to be a side will be exposed, not one of the prominent façades. Regarding the concern about the headlights shining into the living room and one bedroom, he noted that the porch is designed with a low solid wall and the building is raised about 4' off the ground so that there's a sense of a natural block; the building in a way self-mitigates some of that. If the building is rotated, headlights will potentially go into the side windows because they are fairly low to the ground—about the same height as the rail height would be. He felt that the dense vegetation along the creek would mitigate some of the direct views of the back of the building from 6th Avenue, and added that the staircases are gone. His strong recommendation was that they not rotate the building because of its potential impact on the historic resource and also that it could become a significant impact on a CEQA evaluation process. He added that if he were to send this project to the State's Office of Historic Preservation for review, he would have to tell them that the building was not oriented parallel to the street for design purposes and they would respond that that would hurt the historic significance of the building. He offered to study the implications further and provide them with more information if they so desired.

Chair Parsons felt they still need to look at alternatives, especially one with the house facing 6th Avenue.

Vice Chair Frautschi did not believe they should leave the first design on the table since they have had enough time to look at it. He understood what the architect is saying but they are bringing a house from a square lot to a lot that is not square and felt it is the Commission's responsibility to fit the house on the site. The Commission is not guided by historical considerations; they are not part of the City's code. They are creating housing for people who are living in the 21<sup>st</sup> century. He believed they have to do what is right by the house – make it look the best on the site – and concurred with Commissioner Mercer's recommendations.

Commissioner Wozniak commented that she believes that an architect who knows historic preservation has a lot of creditability and did not think there was much of a benefit to orientating the house at an angle. She recalled that in the past they disregarded the historic parts of another house and if they are going to continue to ignore the guidelines set by people who know how to preserve buildings they should just forget about designating anything historic. She was in favor of keeping the first design on the table – the one that oriented the house parallel to the street.

CA Zafferano recommended that they consider the entire item as a package and not take any piecemeal actions on the Mitigated Negative Declaration.

Chair Parsons was in favor of looking at facing the house on 6<sup>th</sup> Avenue because of the historic Victorian style houses already on that street, but he did not want to throw out the original plans. He did not believe the house will qualify for the National Register of Historic Places because the inside will not be like it was originally. He asked that the City's lawyers report back on this issue so it is part of the analysis. He recommended continuing to a date uncertain.

CDD de Melo stated that staff will return with alternatives related to the angling of the building and will have answers related to associated laws on historic preservation issues. He added that it is not out of character for the Commission to forward an action to the Council that says they were unable to make a decision. Staff will try to bring the item back to the April 17<sup>th</sup> meeting, or May 1<sup>st</sup> as an option.

**MOTION: By Commissioner Mercer, seconded by Commissioner Mayer, to continue to date uncertain, the Planning Commission's recommendation for adoption of a Mitigated Negative Declaration and a Conceptual Development Plan and Rezone (Appl. No. 06-0090).**

**Ayes: Mercer, Mayer, McKenzie, Wozniak, Frautschi, Parsons**  
**Noes: None**  
**Absent: Horton**

**Motion passed 6/0/1**

CDD de Melo that in addition to the usual 300' notice, the people who spoke at the meeting will get a notice as to which hearing it will return to the Commission, and if they are interested they

could come in to the office to look at the plans at the same time they are forwarded to the Commission. He confirmed that they will come back with both the original design and at least two options relative to angling.

## **7. REPORTS, STUDIES AND UPDATES:**

CDD de Melo reported as follows:

### **7A. 2900 Hallmark – 7-Lot Subdivision**

He spoke to the landscape architect and expects to see plans by the end of the week.

### **7B. Avanti Pizza Commercial Center – 2040 Ralston Ave.**

He had a meeting scheduled with the owner of the site for the following Tuesday to go over the landscape plan.

### **7C. U-Haul – 530 El Camino Real**

He did not have an update, but knew that the owners had been to the site. He will email the Commission before their next meeting as to what code enforcement activities are underway.

### **7D. Mid-Peninsula Water District Properties – Folger Drive and Ralston Avenue**

He placed a call to the Water District to talk about the issues related to those two sites and will provide an email response before 4/17.

### **7E. 2700 Monserat Avenue**

Regarding unpermitted additions, staff is working with the City Attorney's office and the applicant's attorney to look at potential interior modifications allowable within the maximum floor area as well as exterior modifications for the project. CA Zafferano added that staff spent quite a bit of time working with the applicant, his attorney and his architect. It was agreed that they would draw up some plans that would request permits for only those areas of the building that were not in dispute. When those plans were submitted, staff reviewed them and had great difficulty separating the areas that were permitted from the areas that were not permitted. They had a meeting scheduled for the following Thursday to determine if there is a way for the applicant to come back through the process and request something that is significantly smaller and less difficult than was originally denied.

CDD de Melo announced that the following Tuesday he is taking the Planned Development Rezone for **1300 El Camino Real** to the RDA.

The second round of the **Priority Calendar** will go back to the Council the following week.

The **State of the City** was scheduled for April 18<sup>th</sup>.

Vice Chair Frautschi stated that he will not be present for the May 15<sup>th</sup> Commission meeting and Commissioner Mercer will not be there for the May 1<sup>st</sup> meeting.

Chair Parsons asked the Building Official for the status of the house next to Barrett School. Mark Nolfi responded that they were able to get their piers in the ground before the wet weather limitations started on 11/15 and now with Spring here they will start construction with the good weather ahead. They are bound by the California Building Code that says they need to show activity every 180 days so they have made the site safe and addressed erosion control issues and are now waiting for good weather.

Responding to Commissioner Wozniak's question, CDD de Melo reviewed the plans for the upcoming Notre Dame meeting regarding the lacrosse field, and agreed to email the September 2005 staff report and related documents to Commissioners. CA Zafferano recommended that Commissioners who attend the meeting not make any comments since it may come back to them for review of the CUP.

### **CITY COUNCIL MEETING OF TUESDAY, APRIL 10, 2007**

Liaison: Chair Parsons  
Alternate Liaison: Commissioner Horton

#### **9. ADJOURNMENT:**

The meeting was adjourned at 10:36 p.m. to a regular meeting on Tuesday, April 17, 2007, at 7:00 p.m. in Belmont City Hall.

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Carlos de Melo  
Planning Commission Secretary

*CD's of Planning Commission Meetings are available in the  
Community Development Department.  
Please call (650) 595-7416 to schedule an appointment.*